



4002-3429/PC845.00:290961

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)	
application of:)	Examiner:
)	
Frey et al.)	
)	Art Unit 3732
Serial No. 10/720,656)	
)	
Filed Nov. 24, 2003)	
)	Atty Docket No. 4002-3429/PC845.00
DISTRACTION AND RETRACTION)	
SYSTEM FOR SPINAL SURGERY)	July 8, 2004

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

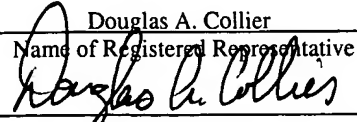
Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R § 1.56 and 1.98,
Applicant discloses the following references on the attached Information Disclosure
Citation Form.

This information has not been previously submitted in this application by
Applicant. Copies of the foreign references indicated on the 1449 form are enclosed
herewith. U.S. Patent references are not enclosed.

I hereby certify that this correspondence is
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P.O. Box 1450, Alexandria, VA 22313-1450
on:

July 8, 2004
(Date of Deposit)

Douglas A. Collier
Name of Registered Representative

Signature

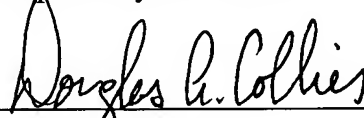
July 8, 2004
Date of Signature

Also enclosed is a copy of a search report from a counterpart PCT application No. PCT/US03/37729, which shall serve as a brief statement regarding the relevance of the foreign language references, except for EP 1 192 905, which is not listed on the search report. EP 1 192 905 is enclosed for the information contained in the drawings therein.

The filing of this information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or that any information cited is prior art.

This Statement is being submitted before the mailing of an Office Action on the merits. Therefore no fees are believed due for its consideration. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted:

A handwritten signature in cursive script, reading "Douglas A. Collier", is written over a horizontal line.

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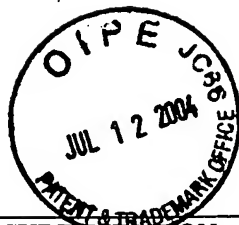
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Atty. Docket No. 4002-3429/PC845.00		Serial No. 10/720,656	
Sheet 1 of 4				Applicant George Frey et al.			
				Filing Date November 24, 2003		Group 3732	

U.S. PATENT DOCUMENTS							
*Examiner Initial	Serial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	1	563,236	06/1896	Penhall			
	2	1,400,616	12/1921	McCrory et al.			
	3	2,661,735	12/1953	Darden			
	4	3,054,398	09/1962	Kobler			
	5	3,752,149	08/1973	Ungar et al.			
	6	3,788,318	1/1974	Kim et al.			
	7	4,263,899	04/1981	Burgin			
	8	4,545,374	10/1985	Jacobson			
	9	4,616,635	10/1986	Caspar et al.			
	10	4,716,901	1/1988	Jackson et al.			
	11	4,747,394	5/1988	Watanabe			
	12	4,747,395	05/1988	Brief			
	13	4,765,311	8/1988	Kulik et al.			
	14	4,817,587	4/1989	Janese			
	15	4,852,552	08/1989	Chaux			
	16	4,899,729	2/1990	Gill et al.			
	17	5,027,793	07/1991	Englehardt et al.			
	18	5,052,373	10/1991	Michelson			
	19	5,125,396	6/1992	Ray			
	20	5,139,511	8/1992	Gill et al.			

FOREIGN PATENT DOCUMENTS							
Serial	Country	DOCUMENT NUMBER	DATE	CLASS	SUBCLASS	Translation	
						Yes	No
76	EP	EP1 192 905	9/2001				X
77	DE	DE 87 04 901 U	07/1987				X

Examiner	Date Considered
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* Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Atty. Docket No. 4002-3429/PC845.00		Serial No. 10/720,656	
Sheet 2 of 4				Applicant George Frey et al.			
				Filing Date November 24, 2003		Group 3732	
U.S. PATENT DOCUMENTS							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	21	5,158,545	10/1992	Trudell et al.			
	22	5,163,949	11/1992	Bonutti			
	23	5,197,971	3/1993	Bonutti			
	24	5,312,417	5/1994	Wilk			
	25	5,339,803	8/1994	Mayzels et al.			
	26	5,353,784	10/1994	Nady-Mohamed			
	27	5,389,080	02/1995	Yoon			
	28	5,490,819	2/1996	Nicholas et al.			
	29	5,503,617	4/1996	Jako			
	30	5,509,893	4/1996	Pracas			
	31	5,512,038	4/1996	O'Neal et al.			
	32	5,549,595	8/1996	Freitas			
	33	5,573,517	11/1996	Bonutti et al.			
	34	5,618,260	4/1997	Caspar et al.			
	35	5,674,240	10/1997	Bonutti et al.			
	36	5,667,481	9/1997	Villalta et al.			
	37	5,681,265	10/1997	Maeda et al.			
	38	5,688,223	11/1997	Rosendahl			
	39	5,707,359	1/1998	Bufalini			
	40	5,728,046	3/1998	Mayer et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
							Yes No
	78	FR 1 019 217 A	01/1952	France			X
Examiner				Date Considered			
*Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 3 of 4				Atty. Docket No. 4002-3429/PC845.00		Serial No. 10/720,656	
				Applicant George Frey et al.			
				Filing Date November 24, 2003		Group 3732	
U.S. PATENT DOCUMENTS							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	41	5,755,732	5/1998	Green et al.			
	42	5,776,054	7/1998	Bobra			
	43	5,779,629	7/1998	Hohlen			
	44	5,786,648	7/1998	Min			
	45	5,795,291	8/1998	Koros et al.			
	46	5,813,978	9/1998	Jako			
	47	5,823,947	10/1998	Yoon et al.			
	48	5,865,731	2/1999	Lenox et al.			
	49	5,888,196	3/1999	Bonutti			
	50	5,928,139	7/1999	Koros et al.			
	51	5,931,777	8/1999	Sava			
	52	5,944,658	8/1999	Koros et al.			
	53	5,951,466	9/1999	Segermark et al.			
	54	5,961,499	10/1999	Bonutti et al.			
	55	5,976,146	11/1999	Ogawa et al.			
	56	6,027,518	02/2000	Gaber			
	57	6,042,540	03/2000	Johnston et al.			
	58	6,074,380	6/2000	Byrne et al.			
	59	6,083,154	07/2000	Liu et al.			
	60	6,096,046	8/2000	Weiss			
	61	6,099,547	8/2000	Gellman et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
							Yes No
	79	FR 2 788 958	08/2000	FR			X
Examiner				Date Considered			
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U.S. PATENT DOCUMENTS							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	62	6,139,493	10/2000	Koros et al.			
	63	6,149,583	11/2000	Vierra et al.			
	64	6,162,236	12/2000	Osada			
	65	6,171,299	1/2001	Bonutti			
	66	6,187,000	2/2001	Davison et al.			
	67	6,200,322	3/2001	Branch et al.			
	68	6,296,609	10/2001	Brau			
	69	6,312,443	11/2001	Stone			
	70	6,371,911	4/2002	Hossain et al.			
	71	6,325,812	12/2001	Dubrul et al.			
	72	6,361,492	03/2002	Santilli			
	73	6,431,025	8/2002	Koros et al.			
	74	6,616,605	9/2003	Wright et al.			
	75	2004/0002629	01/01/2004	Branch et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
							Yes No
	80	FR 2 807 313	10/2001	FR			X
Examiner				Date Considered			
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<small>004002-003429:DAC:290923</small>							